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SUBJECT: COMMUNISTS DEFIANT ON NANDIGRAM HUMAN RIGHTS ABUSES

REF: A) KOLKATA 345 B) KOLKATA 88

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1. (SBU) Summary: During November 6-11, Communist Party of India-Marxist (CPM) activists violently assaulted villages under the control of the opposition Bhumi Ucched Protirodh Committee (BUPC) in West Bengal's rural Nandigram area. CPM cadres, locally called "Harmad Bahini" (Portuguese pirates), assaulted the local political opposition, torched homes, raped women and killed an unspecified number of people. Human rights groups and the media are still assessing the extent of the killing and damage. An unapologetic Chief Minister Bhuddadeb Bhattacharjee defended the CPM's carnage, saying the opposition was "paid back in their own coin," as CPM leaders lashed out at the WB Governor, the media, and anyone else who criticized their brutal tactics. The Calcutta High Court released its ruling on the earlier March 14 killings in Nandigram, finding the GOWB's actions unconstitutional and unjustified. It has ordered the CBI to begin filing charges and to submit a report in 30 days. The CPM, by attacking its critics, is circling the wagons to weather the storm, as its UPA coalition partners remain reticent in condemning the human rights abuses. End Summary.

Red Terror

2. (SBU) As reported in Reftel A, from November 6-11, CPM activists assaulted villages in the Nandigram under the control of opposition BUPC and seized control through a campaign of violence, rape and intimidation. Until November 12, CPM cadres not only blocked all entry points to Nandigram, but also the national highways passing through the area. While armed CPM workers and hired criminals brutally attacked villagers supporting the BUPC, the police stood by under official orders not to interfere. The media, leaders of the political opposition and others not supporting the CPM were not allowed to enter the "war zone." With five deaths confirmed, the BUPC has alleged that a more bodies have been hidden and dumped by CPM cadres. Human rights activists allowed into Nandigram after November 13, estimate about 43 deaths in the carnage. One pregnant woman was among the 6 rape victims reported so far. The first officially confirmed case of gang-rape by armed CPM cadres in Nandigram on November 6 was recounted to the media by the victim, Sabita Patra. She said that after she was raped, she saw her two teenage daughters raped as well and then

abducted by CPM cadres. She has named the attackers in her complaint to the police. An estimated 1,000 homes were burned or destroyed during the CPM's recapture of Nandigram. Human rights activist Medha Patkar likened Nandigram to a concentration camp, where apathy, inaction and both direct and indirect support of the police to CPM hooligans indicated a breakdown of state machinery.

13. (SBU) On November 16, East Midnapore district officials entered Nandigram for the first time in 10 months to take stock of the devastation. A National Human Rights Commission team also visited the area.. Initially, about 10,000 BUPC supporters were rendered homeless by the CPM attack. Media reports indicate that since November 13 some had begun returning to their homes. The GOWB claimed that all the ousted BUPC villagers were returning home, but media estimates are that around 2,000 BUPC supporters remain in relief camps, because they are afraid of a CPM backlash if they return to Nandigram. Local CPM workers reportedly ordered BUPC supporters to pay a "fine" of Rs 2,000 (USD \$50) to Rs 10,000 (USD \$250) if they intended to return to Nandigram. They are also being required to fly the CPM's red flag at their homes and join all CPM processions to show their support for the party.

#### Chief Minister Bhattacharjee Defends His Party

14. (SBU) In the immediate aftermath of the violence WB Chief Minister Buddhadeb Bhattacharjee defended the recapture of Nandigram, saying that the opposition were "paid back in their own coin." He explained the CPM action by stating that "our [the CPM's] people" were desperate to return to Nandigram after remaining away from their homes for 11 months. Bhattacharjee went on to accuse the GOI of delaying the deployment of the Central Reserve Police Force (CRPF) to Nandigram, which left his party with "no option" but to support the CPM supporters' return to the area. He also indicated that the situation was to some extent a result of the failure of the WB police to enter

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Nandigram. Bhattacharjee asserted that the CPM's actions in Nandigram were morally and legally justifiable as the BUPC activists had resorted to violence when they drove out CPM supporters in January. On November 14, he emphasized that he still represented the interests of his party while Chief Minister of the state, saying "I cannot and should not disown my political character and identity."

#### Central Police, State Control

15. (SBU) When the CRPF arrived in the state on November 11, they were unable to deploy to Nandigram as they were blocked from entering for over a day by the CPM (Note: Because the area was not officially declared "disturbed," the CRPF were required to function under GOWB direction. End Note). On November 18, in a move apparently aimed at limiting the CRPF's independence, the GOWB directed them to shift their five camps from Nandigram, Gokulnagar and Rajaram Chowk, and Khodambari-I and II to Temgua, Pankhai, Jellingham, Teropeksha and Khejuri Mahila Vidyapith. This means shifting of CRPF personnel from trouble-prone areas to pockets that have been CPM strongholds for the past 10 months. The state police chief instructed the CRPF to work in areas assigned by East Midnapore district police superintendent SS Panda (instead of the area of operation assigned to it by the administration.) However, after the press reported the order to shift CRPF, the GOWB denied any such move.

#### The Court Weighs In

16. (SBU) On November 16, the Calcutta High Court held that the police firing that killed 14 and injured 162 Nandigram villagers on March 14 (Reftel B) was wholly unconstitutional and unjustifiable. The 172-page judgment rejected the GOWB's version of events and criticized the indiscriminate police

firing on innocent villagers. The court also rejected the government's claim that the villagers were armed, writing that the intention of the police seemed to be "to crush the demonstration rather than to control or disperse an unlawful assembly," and that there was not enough provocation to justify firing. The court gave liberty to the Central Bureau of Investigation (CBI) to file cases against the accused (including the police), and to start criminal proceedings. The court said it was legally justified in asking the CBI to conduct a preliminary investigation on the basis of media reports and based upon the statement issued by the WB Governor Gopalkrishna Gandhi expressing "cold horror" at the killings. (Note: The GOWB had challenged the authority of the court to order a CBI inquiry on the basis of the governor's statement, but the court said it was within its jurisdiction to seek a CBI probe without taking the consent of the state government. End Note). The court ordered the CBI to investigate the March 14 incident and submit its report within a month. Further, the court directed the government to pay a compensation of Rs 5 lakh (USD \$11,000) to the families of those killed, Rs 2 lakhs (USD \$4400) to those raped, and Rs 1 lakh (USD \$2200) each to 162 people injured on March 14. The GOWB may appeal the decision to the Indian Supreme Court.

CPM vs. the Rest

17. (SBU) On November 17 at a CPM party meeting where senior leaders addressed their supporters, the CPM leaders accused Governor Gandhi of hypocrisy for his remarks against the recent violence in Nandigram and asked him to quit his office and join the Trinamul Congress since he was not impartial. Party leaders also accused the Calcutta High Court of conspiring against the CPM and threatened Kolkata's protesting intellectuals (many from the Left) and press. Even Left Front partners were not spared - they were publicly reminded that the Left Front can be stronger only if the CPM becomes stronger. Some leaders hinted at a "foreign hand" in the Nandigram problem, a not so subtle reference to the United States. The CPM leaders also argued that the Nandigram incident was a state subject and could not be discussed formally in the Indian Parliament.

18. (SBU) Comment: It is clear from Chief Minister Bhattacharjee's unapologetic endorsement of the Nandigram violence that the CPM, in typical fashion, is circling the

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wagons until the storm passes. This is also an attempt to please party hardliners and to unify the CPM rank and file in the run-up to the CPM's party congress (where major policies are formulated and senior party officials nominated) in March 2008. It demonstrates the default response of the CPM when faced with criticism and challenges to its authority - verbal attacks and paranoia. The peaceful, non-political march of as many as 100,000 citizens of W. Bengal is being interpreted by some as signs of the CPM's grip on the state weakening, but with the CPM receiving little condemnation from its UPA coalition partners, it appears that no one is willing to squarely confront the party's human rights atrocities.

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